

DATES: Comments from all interested parties must be received by May 11, 1987. Public hearing requests must be received by April 27, 1987.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the Service's Regional Office of Endangered Species, 500 Gold Avenue, SW., Room 4000, Albuquerque, New Mexico.

FOR FURTHER INFORMATION CONTACT: Gerald L. Burton, Endangered Species Biologist, at the above address (505/766-3972 or FTS 474-3972).

SUPPLEMENTARY INFORMATION:

Background

The Amistad (Goodenough) gambusia (*Gambusia amistadensis*) is known to have occurred only in Goodenough Spring, a tributary of the Rio Grande in Val Verde County, Texas. It was described by Dr. Alex Peden in 1973, based on specimens collected in 1968 from Goodenough Spring just prior to its inundation by Amistad Reservoir. The species was not recognized as distinct until well after reservoir construction began (Peden 1973). During extensive collecting by Peden (1973) in spring areas immediately upstream and downstream from the Amistad Reservoir, no additional *G. amistadensis* were found, and Peden believed that the species was restricted to the Goodenough Spring area.

In July 1968, backwaters of the Amistad Reservoir, constructed by the U.S. Army Corps of Engineers, began permanent flooding of the area. In subsequent visits to the area after the reservoir had filled, the spring was found to be under more than 21.3 meters (70 feet) of silt-laden water, and Peden (1973) believed that the species was probably extirpated there. In 1979, all Texas springs listed by Brune (1981) as being within 50 kilometers (31 miles) of Goodenough Spring with outflow in excess of 10 liters per second (0.353 cubic feet per second) were surveyed, but no *G. amistadensis* were found and the species is believed to be extinct (Hubbs and Jensen 1984).

Gambusia amistadensis was listed as endangered on April 30, 1980 (45 FR 28721), under provisions of the Endangered Species Act of 1973, as amended, at which time it occurred only in captivity at the University of Texas and Dexter National Fish Hatchery in

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposed Delisting of the Amistad Gambusia

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to remove the Amistad gambusia (*Gambusia amistadensis*) from the List of Endangered and Threatened Wildlife. This action is based on a review of all available data, which indicate that this fish species is extinct. *Gambusia amistadensis* is known to have occurred naturally only in Goodenough Spring, Val Verde County, Texas. It was eliminated there after the Amistad Reservoir, an impoundment constructed in 1968, on the Rio Grande, inundated Goodenough Spring. In 1979, all Texas springs within 50 kilometers (31 miles) of Goodenough Spring with outflow in excess of 10 liters per second (0.353 cubic feet per second) were examined, but no *G. amistadensis* were found. Captive populations of *G. amistadensis* were maintained, but have since died or been eliminated through hybridizations with and predation due to contamination by the mosquitofish (*Gambusia affinis*).

New Mexico. Since that time, all captive populations have died or been eliminated through hybridization with and predation by the mosquitofish, *Gambusia affinis*.

Summary of Factors Affecting the Species

50 CFR 424.11 requires that certain factors be considered before a species can be listed, reclassified, or delisted. These factors and their application to *G. amistadensis* are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* The Amistad gambusia was known to occur only in Goodenough Spring, tributary to the Rio Grande in Val Verde County, Texas. In July of 1968, backwaters of the Amistad Reservoir began permanent flooding of the area. The Amistad gambusia is believed to have been extirpated in that area.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* Not applicable.

C. *Disease or predation.* Not applicable.

D. *The inadequacy of existing regulatory mechanisms.* Not applicable.

E. *Other natural or manmade factors affecting its continued existence.* All captive populations of *G. amistadensis* have died or been eliminated due to contamination (hybridization) with and predation by the mosquitofish (*Gambusia affinis*).

The regulations at 50 CFR 424.11(d) state that a species may be delisted if: (1) It becomes extinct, (2) it recovers, or (3) the original classification data were in error. The Service believes that enough evidence exists to declare *Gambusia amistadensis* extinct.

Effect of Rule

The proposed action would result in the removal of this species from the List of Endangered and Threatened Wildlife. Federal agencies would no longer be required to consult with the Secretary to insure that any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of the Amistad gambusia. There is no designated critical habitat for this species. Federal restrictions on taking this species would no longer apply. Because there are no specific

preservation or management programs for the species, there would be no impact on any agency or individuals.

Public Comments Solicited

The Service intends that any final action resulting from this proposal will be as accurate and as effective as possible. Therefore, comments or suggestions regarding any aspect of this proposal are hereby solicited from the public, other concerned governmental agencies, the scientific community, industry, or other interested parties. The Service particularly requests any evidence that the species is not extinct.

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to Section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the *Federal Register* on October 25, 1983 (49 FR 49244).

References Cited

- Brune, G. 1981. Springs of Texas, 1. Branch-Smith, Inc. Ft. Worth, Texas.
Hubbs, C. and B.L. Jensen. 1984. Extinction of *Gambusia amistadensis*, an endangered fish. *Copeia* 1984(2):529-530.
Peden, A.E. 1973. Virtual extinction of *Gambusia amistadensis* n. sp., a poeciliid fish from Texas. *Copeia* 1973(2):210-221.

Primary Author

The primary author of this proposed rule is Alisa M. Shull, Endangered Species Biologist, U.S. Fish and Wildlife Service, Albuquerque, NM 87103 (505/766-3972 or FTS 474-3972).

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Proposed Regulation Promulgation

PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below:

1. The authority citation for Part 17 continues to read as follows:

Authority: Pub. L. 93-205, 87 Stat. 884; Pub. L. 94-359, 90 Stat. 911; Pub. L. 95-632, 92 Stat. 3751; Pub. L. 96-159, 93 Stat. 1225; Pub. L. 97-304, 96 Stat. 1411 (16 U.S.C. 1531 *et. seq.*).

2. It is proposed to amend § 17.11(h) by removing the entry for *Gambusia Amistad* (*Gambusia amistadensis*) under "Fishes" from the List of Endangered and Threatened Wildlife.

Dated: January 28, 1987.

P. Daniel Smith,

Deputy Assistant Secretary for Fish and Wildlife and Parks.

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